

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 15, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Roberta Opel, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 554, 3/15/2001; HB 569,
3/15/2001; HB 282, 3/15/2001
Executive Action: HB 451; HB 292; HJ 16

HEARING ON HB 554

Sponsor: REP. PAUL SLITER, HD 76, Kalispell

Proponents: Jeff Hagener, Director, Fish, Wildlife & Parks, FWP
Jean Johnson, Outfitters & Guides Association
Bob Gilbert, Walleyes Unlimited of Montana
John Wilson, Trout Unlimited

Opponents: Dave Kozub

Informational Testimony: Jeff Barber, Montana Wildlife Federation

Opening Statement by Sponsor:

REP. PAUL SLITER, HD 76, Kalispell, presented HB 554 who proposes to increase non-resident hunting fees. The bill, if passed, would set non-resident fees to be more competitive with surrounding states but still below the average cost of these hunting fees among neighboring states.

Proponents' Testimony:

Jeff Hagener, Director, FWP, testified the proposed legislation is necessary because current license fees are inadequate to fund FWP's current level of services. **EXHIBIT(fis59a01)**

Jean Johnson, Outfitters & Guides Association, testified in support of the bill but questioned why license fees needed to be competitive with neighboring states. She suggested removing part of the proposed amendment.

Mr. Hagener noted Jean Johnson's requested amendment had already been included in the bill in the department amendments.
EXHIBIT(fis59a02)

Bob Gilbert, Walleyes Unlimited of Montana, testified in support of the fishing portion of the bill, only noting that Walleyes Unlimited did not have a position on the hunting portion of the bill. He urged caution when raising hunting rates.

John Wilson, representing 2500 conservation anglers in Montana Trout Unlimited, rose in support of the bill and suggested the organization would support an increase in resident fishing license fees as well. He complimented FWP on their management of Montana's wild trout fishery.

Opponents' Testimony:

Dave Kozub, Lewistown, stated his concern is the \$50 fee for elk licenses. Three-quarters of eastern Montana is on an unlimited hunting permit which is used to gather information for the

department, Mr. Kozub testified. He noted his concern was addressed in the amendment, however.

Informational Testimony:

Jeff Barber, Montana Wildlife Federation, said the federation understands the need of the department to increase revenues and is not in opposition to an increase. However, roughly 30% of federation members are non-residents who feel they are "getting hit pretty hard this session."

Questions from Committee Members and Responses:

SEN. JON TESTER told **Jean Johnson** that one of his constituents from Big Sandy asked him to oppose the bill, "flat out." He wondered, then, if her decision to be a proponent (with proposed amendments) was an executive decision or a membership recommendation.

Jean Johnson said the decision was an executive one.

SEN. JACK WELLS asked **Mr. Hagener** how the increase in turkey fees and the drop in nonresident bird fees was reflected in the charts presented to the committee.

Mr. Hagener said that when you remove the upland game bird license and the conservation prerequisite, the cost is brought down.

SEN. WELLS said there would be only the \$115 charge for a turkey license for nonresidents.

Mr. Hagener answered that was true.

SEN. PETE EKEGREN asked **Mr. Hagener** to clarify Table 1 and 3 of Exhibit 1 as they relate to general license account fund balances for bear, sheep, moose, etc.

Mr. Hagener stated all of these fall into Tables 1 and 3.

SEN. EKEGREN said if the fees are not raised and existing programs continued at the current cost, would this reflect where the department would end up.

SEN. EKEGREN said the department would then have a \$15 million dollar deficit at the end of license year 2007.

Mr. Hagener said this could not happen as the budget needed to be balanced. He suggested programs would have to be cut.

SEN. EKEGREN said he understood that programs would have to be cut but was still questioning if there would be a declining balance of seven or eight million dollars.

SEN. SPRAGUE asked **SEN. EKEGREN** if his concern was that "FWP still wasn't out of the woods but had been out of the woods a little longer."

SEN. EKEGREN asked if the committee and the public were being shown that the department was "going downhill." He said he understands that is not the case.

Mr. Hagener said that one of the statements the department hears is that FWP has a large fund balance but in truth, he said, that balance is dwindling over time.

{Tape : 1; Side : A;}

SEN. EKEGREN wondered if he could rest assured that if the department didn't raise nonresident license fees, the department would have a deficit balance.

Mr. Hagener replied that was true.

SEN. ED BUTCHER said one of the big questions he hears from constituents is that there is a "runaway bureaucracy at FWP."

Mr. Hagener said the fee increase was anticipated to last through 1995.

SEN. BUTCHER asked **Mr. Hagener** if department programs would be analyzed and then streamlined.

Mr. Hagener answered there were some programs the department would cut. He indicated they would continue to evaluate programs.

SEN. SPRAGUE reminded **SEN. BUTCHER** "that the department doesn't do anything on their own without instruction from the legislature."

SEN. BUTCHER said he understood this. Can you assure us that next session there will be some streamlining within the department, he asked **Mr. Hagener**.

Mr. Hagener answered, yes, there will be streamlining.

SEN. TESTER asked if the declining chart in Exhibit 1 represented inflation or expanded programs.

Mr. Hagener said the bulk of inflation was related to the cost of running programs.

SEN. TESTER asked if there were records kept of individuals who took hunter safety courses.

Mr. Hagener said it was his understanding there was a record.

SEN. TESTER asked if the department would consider an amendment to the bill whereby people who took hunter safety courses would be exempt from paying an out of state fee.(laughter).

Mr. Hagener said there had been several similar proposals and the department was looking into the possibility.

SEN. JON ELLINGSON asked for an explanation of the tables in Exhibit 1. Why does the department need such substantial fund balances, he asked.

Mr. Hagener said that historically, the department raises fees to build balances to draw on without having to ask for a fee increase each session.

SEN. ELLINGSON asked if the \$15 million was turned over to the board of investments.

Mr. Hagener said that was correct.

SEN. EKEGREN asked how the balances were invested over the years.

Mr. Hagener said the money was turned over to the board of investments.

Dave Mott, Chief Financial Officer, FWP, said the short term needs of the agency are invested in a short term investment fund similar to a money market return. Short term needs are deducted from this amount, he added.

SEN. EKEGREN asked **Mr. Hagener** if the declining balances were all worked in together.

Mr. Hagener answered that was correct.

SEN. WELLS asked if the charts were prepared before the \$1,000 was reduced to \$750 or after the department made changes in the figures.

Mr. Hagener said the figures would be lower than indicated in the charts.

SEN. WELLS said he would like to see updated figures.

Closing by Sponsor:

REP. SLITER told the committee Senate Fish & Game questions were similar to those asked on the House floor. Fees were last increased in 1991. Since 1993, many programs have been created including the Future Fisheries and Whirling Disease Programs, Endangered Species Program, a FWP website and Americans with Disabilities Act responsibilities. These programs are all worthy but there are costs associated with each of them, he said.

HEARING ON HB 569

Sponsor: **REP. JOHN ESP, HD 25, Big Timber**

Proponents: **P.K. Williams, Belt Creek Outfitter's, Geyser**
Bridgett Erickson, bookkeeper
Jean Johnson, Montana Outfitter's & Guides

Opponents: None

Opening Statement by Sponsor:

REP. JOHN ESP, HD 25, Big Timber, presented HB 569 stating that the genesis of the bill is to address an inequity regarding individuals starting an outfitting business.

Proponents' Testimony:

P.K. Williams, Belt Creek Outfitter's, Geyser, testified in support of HB 569 and discussed NCHU (Net Client Hunter Use).

{Tape : 1; Side : B;}

Bridgett Erickson, wife of an outfitter and their company bookkeeper, offered support for the bill.

Justin O'Hara, Chimney Rock Outfitter's, testified that HB 569 addresses concerns for new outfitters.

Pete Walsh, Park County outfitter, rose in support of the bill.

Jean Johnson, MOGA, testified that Net Client Hunter Use can be difficult to understand and submitted an overview of this use.

EXHIBIT (fis59a03)

Steve Pauli, representing Sweetcast/Blast, submitted testimony in support of HB 569.

Questions from Committee Members and Responses:

SEN. TASH asked how NCHU is affected by set-asides.

Jean Johnson answered that the set-aside license is not guaranteed and price controls the numbers sold.

SEN. WELLS asked **Jean Johnson** why the bill contained retroactive language.

Jean Johnson admitted this was a bad move saying they had possibly gone overboard in reassuring the public about growth in the industry.

SEN. SPRAGUE suggested the association had received a lot of blame during a previous session.

SEN. ELLINGSON asked for help understanding NCHU particularly the reference in subsection 1 referring to newly licensed outfitters.

Jean Johnson answered new outfitters are required to establish their NCHU by an expansion. Outfitters who were not new to NCHU were expanded by their historical use.

SEN. ELLINGSON asked what the term "to establish an NCHU" meant.

Jean Johnson said MOGA had to approve, and the outfitter's had to declare, what their numbers were.

SEN. ELLINGSON wondered if an outfitter has taken a certain number of clients yearly, would the board then give them the same number of NCHU's.

Jean Johnson said NCHU's are established on a one-time-only base.

SEN. ELLINGSON asked what happened during the five and half year period where there is no NCHU.

Hank Warsech, Exective Director, MOGA, told the committee that NCHU can be obtained historically or with expansion of base clients.

SEN. ELLINSON asked if during the five and half year period there was an NCHU.

Mr. Worsch said there would be a number that could not be exceeded but would be obtained.

SEN. ELLINGSON said this would be an expansion NCHU.

Mr. Worsch replied, yes, because you are expanding from nothing.

SEN. ELLINGSON asked if after the five and a half year period, you would have an established NCHU.

SEN. ELLINGSON said when an outfitter is new, how do you determine expanded NCHU's.

Mr. Worsch said it was important to understand NCHU's prior to SB 334 and after SB 334.

SEN. ELLINGSON said this bill talks about having five and half years from the first date of licensure to establish NCHU.

Mr. Worsch answered that there would be five and a half years of time from the date of licensure to serve the highest number of clients you are able to serve.

SEN. SPRAGUE said he understood that during this five and a half year period, the outfitter must determine his best guestimate of how many clients will be served.

SEN. ELLINGSON said after you have given your best guess, are you restricted to this best guess or is there any restriction during the five and half year period.

Mr. Worsch said an outfitter is given the authority to provide those numbers. If you provide ten every year, at the end of five and a half years, your number would be set at ten. If you served four, it would be set at number four.

SEN. ELLINGSON said during this five and a half year period, there are expansion NCHU's and you would have an established NCHU.

SEN. SPRAGUE suggested everyone should use hypothetical language in this discussion.

SEN. WELLS said when the first application was made, how does an outfitter pick the number to ask for and how do you justify the number.

Mr. Worsch said that prior to SB 334, outfitters would go before the board and request a number which then went out to public

opinion. Land acreage and animals on that land helped determine these numbers. After passage of SB 334, this process changed.

SEN. BUTCHER said there were a finite number of permits allowed.

Mr. Worsech said NCHU is not permit structured. It is basically authorization to provide the service on land that is not regulated by forest service permits, he said.

SEN. BUTCHER said the client needs a license to hunt on property. Is there a finite number of permits to be divided among all outfitter's, he asked.

Mr. Worsech reiterated that NCHU is strictly an authorization mechanism.

SEN. TESTER said, then, if an outfitter has ten NCHU's, you would receive a check at the start of the season for \$7,000.

Mr. Worsech that would only be relevant when they are applying for a new NCHU; there is a one time fee.

SEN. TESTER said this is a yearly fee, then.

{Tape : 2; Side : A}

SEN. TESTER asked when an NCHU would be established.

Mr. Worsech said the NCHU is strictly the authority for an outfitter to apply for that service.

SEN. TESTER asked if once the baseline is established, is the service for an NCHU that they have a license and can provide services.

Mr. Worsech said that was true.

SEN. TESTER asked **REP. ESP** what was "magic" about five and a half years.

REP. ESP said that outfitter books are done in late fall or early spring for the next fall season. This would allow five full seasons of booking on which to make a determination for NCHU's, he explained.

SEN. BILL CRISMORE asked **Mr. Worsech** wondered if the outfitter already has a license, can he take him above what he's actually use for on this forest service land.

Mr. Vorsech said the forest service permit is for one day only and does not require an NCHU. If an individual was hunting on private land, he would need an NCHU.

SEN. CRISMORE said a hunter could have day use on forest service land and then, if he had the land and had applied for an NCHU, he could take someone on private land.

Mr. Worsech said you can only take people on private land if you have applied for an NCHU.

SEN. WELLS asked **REP. ESP** to explain lines 20 and 21 "for establishment of NCHU...." His understanding of this language, he said, was that no one, after December 31 of 2004, is going to be able to establish a new NCHU.

REP. ESP said subsection 2 applies to those individuals who fall in the window between March 1996 and April 1999.

SEN. WELLS said the language seems like it includes everyone, even those who don't fall into the above mentioned time frames.

REP. ESP said he believes this is limited by subsection 1 language.

SEN. WELLS said he did not see the application of SB SB 334.

SEN. SPRAGUE referred the questions to legislative staff.

Mary Vandenbosch, legislative staffer, said it appears that subsections 1 and 2 conflict as drafted. She suggested she could discuss this with the bill drafter and noted that the bill's language did not reflect an ending date.

REP. ESP said the bill should have said "approved by the board after March 1 and before April of 1999."

SEN. ELLINGSON told the committee that even though he was frustrated by the bill's language, he was not opposed to the bill.

Closing by Sponsor:

REP. ESP said that he closed on the hearing for HB 569.

HEARING ON HB 282

Sponsor: REP. JEFF LASZLOFFY, HD 22, Laurel

Proponents: Gary S. Marbut, President, MT. Shooting Sports Assoc.
Chuck Berry, Prickly Pear Sports Association
Duane Spethman, Montana hunter
Jeff Barber, Montana Wildlife Federation
Susan Hoff-Brodowy, Catholic Diocese of Helena
Betty Whiting, Montana Association of Churches
Pam Bucy, Deputy Attorney General

Opponents: Sharon Hoff-Brodowy
Betty Whiting

Opening Statement by Sponsor:

REP. JEFF LASZLOFFY, HD 27, testified that HB 282 seeks to repeal the requirement to place social security numbers on hunting and fishing licenses. He stated that he supported SB 374 in response to a federal effort to locate parents who are not paying child support. He said he supported this effort.

Proponents' Testimony:

Gary S. Marbut, president, Montana Shooting Sports Association and also an officer of Western Montana Fish & Game Association, Montana Women's Shooting Association and the Big Sky Shooting Club, testified in support of HB 282. He told the committee the bill was more controversial than they likely imagined.

EXHIBIT(fis59a04)

Dan Hawkinson, Board of Directors, Montana Shooting Sports Association, stated that identity theft is a critical issue.

Chuck Beribee, Prickly Pear Sports Association, testified that the 900-plus members of the association supported the bill without amendments.

{Tape : 2; Side : B;}

Duane Spethman, Potomac Valley, Missoula, testified that he has seen the legislature affixing a national identification number as a bribe.

Jeff Barber, Montana Wildlife Federation, testified they would support any legislation to remove social security numbers from conservation licenses.

Opponents' Testimony:

Sharon Hoff-Brodowy, Catholic Diocese of Helena, testified that she did not like giving her social security number when she purchased a fishing license.

Betty Whiting, Montana Association of Churches, said the legislation pits children's rights against the rights of recreationists. There is no one to represent the children's side of this story, she told the committee.

Informational Testimony:

Amy Pfeifer, Administrator (acting), Child Support Enforcement, submitted testimony from former **CSE Administrator, Mary Ann Wellbank,** regarding social security number compliance of other states. **EXHIBIT (fis59a06)**

{Tape : 3; Side : A;}

Questions from Committee Members and Responses:

SEN. BUTCHER said his ranch had several deadbeat dad employees. He asked if there was a compelling reason why, from a statistical and administrative point, CSED would include hunting licenses into this mix.

Amy Pfeifer said the CSED's position is that many of the tools mandated by the federal government are simply one tool that might be appropriate. License suspension was viewed this way several years ago, she said. Hunting and fishing licenses might give CSE another tool with which to locate a parent.

SEN. BUTCHER asked if an individual was not employed, would they be able to pay child support.

Amy Pfeifer said people who work in traditional employment situations could possibly be located in a new-hire directory. Individuals who are self-employed or in other non-traditional work situations are very hard cases to work, she added. Even if a delinquent parent wasn't employed, that did not necessarily mean they wouldn't have money to pay child support, she said.

SEN. BUTCHER asked if the only way to find this group of individuals was by tracking a hunting license.

Amy Pfeifer said she was saying it may be one way to find a person, or two, or three that CSE hasn't located through other methods.

SEN. BUTCHER asked what percentage of deadbeat dads had been found through a hunting license that were not obtained elsewhere.

Amy Pfeifer indicated she could not offer a number since the automated system being developed by FWP is not, as yet, in place. At this time, there is no interfacing of data.

SEN. EKEGREN told **Amy Pfeifer** that it seemed as though everything is supposed to be for the kids. The government has intruded so heavily into people's lives, he said. He told the story of how his wife's identity was stolen and the ensuing difficulty they have experienced over the past three and a half years.

Amy Pfeifer stated the department is an informational witness in this hearing. She stated that she agreed that identity theft was becoming an increasing problem.

SEN. EKEGREN asked if it wasn't time for states to tell the government that we want to exercise state's rights.

Amy Pfeifer answered that the state of Kansas did sue the federal government but did lose the case as far as they went. The courts said that states do have a choice, she added.

SEN. EKEGREN asked if there was any doubt how he would vote on the bill. (laughter).

SEN. BISHOP told **REP. LASZLOFFY** that it "wasn't good enough" for the sponsor to say that he didn't think federal funding would be lost with passage of the bill. Can you guarantee this, he asked.

REP. LASZLOFFY said he could not guarantee that federal funding would not be lost.

SEN. TESTER asked what the penalties are for identity theft.

REP. LASZLOFFY said he could not recall the statutes.

SEN. TESTER asked **Amy Pfeifer** if there were other states out of compliance because they had removed social security numbers from conservation licenses.

Amy Pfeifer said her understanding was that those states never passed specific legislation.

SEN. TESTER asked how quickly a state could be taken out of compliance.

Amy Pfeifer shared an analogy: the length of time it would take for a state to be out of compliance would be similar to trying to wake up a sleeping elephant; it may take some time, but it would happen. She said the actual process was referenced in Exhibit 6.

SEN. TESTER asked if social security numbers were placed back on the conservation licenses, how long it would take to be in compliance.

Amy Pfeifer said once the money is pulled, state law has to be passed.

SEN. SPRAGUE asked how much money was involved.

Amy Pfeifer said it would be approximately \$56 million per year.

SEN. SPRAGUE asked where the \$56 million went.

Amy Pfeifer said that \$5 million is the TANF block grant.

SEN. SPRAGUE inquired if all of the money, then, was spent.

Amy Pfeifer said TANF money is budgeted for programs to the states.

SEN. SPRAGUE asked what would happen if the state called the federal government's bluff. Would this justify a special session, he asked.

Amy Pfeifer said if the federal government disapproved of our plan and withdrew their authority, Montana would not have a child support program.

SEN. SPRAGUE asked about the recipients.

Amy Pfeifer said it would be a domino effect and would take some time to issue a Notice of Intent to Discontinue the TANF plan.

SEN. SPRAGUE asked what the domino effect would be for the remainder of the year.

Amy Pfeifer said there wouldn't be a time line for government regulations for the "Notice to Disapprove."

SEN. SPRAGUE asked if we would need to call a Special Session to return to compliance.

Amy Pfeifer indicated that was a possibility.

SEN. SPRAGUE asked how many recipients there were for these funds.

Amy Pfeifer said the Child Support Enforcement Program indicated there were currently 38,000 cases.

SEN. SPRAGUE asked if these were active cases.

Amy Pfeifer said there were 38,000 cases currently being worked.

SEN. SPRAGUE said there was approximately \$100 million dollars outstanding.

Amy Pfeifer said there is **over** \$100 million dollars. She noted the department collected over \$50 million during the last fiscal year.

SEN. SPRAGUE asked if this amount represented an average.

Amy Pfeifer said the amount has been growing with continued success.

SEN. SPRAGUE said if the similar bill, SB 262, is passed, would the committee pass this bill as a backup.

Amy Pfeifer said she did not understand the question and wondered if he was referring to coordination instruction.

SEN. SPRAGUE said that he was making that reference.

SEN. ELLINGSON clarified that if SB 262 passes and the state is given a waiver, HB 282 would not be needed.

Amy Pfeifer said she did not know whether the government would approve the exemption request or not.

{Tape : 4; Side : A;}

SEN. SPRAGUE indicated that current committee frustration is likely related to the increase in identity theft.

Amy Pfeifer said that one of the bills during the last Congress, was a bill introduced by Clay Shaw to limit private business from requesting, and using, social security numbers.

SEN. BUTCHER told **Mr. Hagener** there was definitely a rebellion in the Montana countryside.

Mr. Hagener said, yes, he has heard of these concerns partially through license agents.

SEN. BUTCHER said some hunters felt badly even before they thought about buying a license and perhaps would not have purchased a license if they had given more thought to the use of social security numbers.

Mr. Hagener referred further discussion to **Mr. Mott**.

Mr. Mott said the total revenue is \$28 million.

SEN. WELLS asked **Miss Whiting** if his figures indicate that one in seven Montana families have a child support problem.

Miss Whiting said that not all 38,000 families would be in poverty.

SEN. WELLS said what he meant was that one in seven Montana families was receiving child support. He asked for an accurate figure of the number of deadbeat parents the state was pursuing.

Miss Whiting said she was not in a position to answer the question.

SEN. SPRAGUE said there were 38,000 clients served.

SEN. TASH said his notes indicated there were \$100 million uncollected dollars.

SEN. WELLS said he understood the dollar amount but not the numbers of people.

Closing by Sponsor:

REP. LASZLOFFY said he believed there were 1400 deadbeat dads; a number previously received from **Mary Ann Wellbank**. He distributed handouts to the committee. **EXHIBIT(fis59a07)**, **FWP**, and **EXHIBIT(fis59a08) National Conference of State Legislatures**. He indicated identity theft is happening all the time. As proof of how easily identity theft occurs, **REP. LASZLOFFY** showed the committee a chart with the names and birthdates of committee members. HB passed the House on a 92 to 6 vote. He asked for Senate concurrence.

EXECUTIVE ACTION ON HB 451

Motion/Vote: SEN. SPRAGUE MOVED HB 451 BE CONCURRED IN. The motion carried 9-0 with SENATORS CRISMORE AND ELLINGSON absent.

EXECUTIVE ACTION ON HB 292

Motion/Vote: SEN. TASH MOVED HB 292 BE CONCURRED IN. The motion carried 9-0 with SENATORS CRISMORE AND ELLINGSON ABSENT.

EXECUTIVE ACTION ON HJR 16

Motion/Vote: SEN. SPRAGUE MOVED HJR 16 BE CONCURRED IN.

Discussion: SEN. WELLS said that he had missed most of the hearing on the bill and therefore did not hear opponents testimony.

SEN. SPRAGUE said the biggest opponent was the woman who was a parrot breeder.

SEN. WELLS asked the committee if there were any other opponents to the bill. He asked Mr. Hagener if this bill would put a severe damper on the pet trade business.

SEN. SPRAGUE clarified that during the hearing, it was stated by the sponsor that it was not the intent of the bill to interfere with the pet trade industry.

Mr. Hagener said the purpose of this bill is to study the pet trade industry. The study does not implement legislation.

Vote: The motion carried unanimously with SENATORS SHEA and ELLINGSON absent.

EXECUTIVE ACTION ON HB 107

Motion/Vote: SEN. SPRAGUE MOVED HB 107 BE CONCURRED IN. He asked Mr. Hagener to comment on the bill prior to vote taking.

Discussion:

SEN. SPRAGUE noted that HB 107 had "substantial financial impact."

Mr. Hagener said the department had put together a brief letter to committee and public questions. **EXHIBIT(fis59a09)**

SEN. SPRAGUE asked for an explanation of the Memorandum of Understanding (MOU).

Mr. Hagener said this memorandum represents a formal agreement between the department and a tribe but noted the is not currently in place.

SEN. SPRAGUE asked if the department needed direction from the committee to implement a MOU.

Mr. Hagener said the department did not necessarily need that direction but a letter to that affect would put in place committee support.

SEN. BISHOP said HB 107 directs the department to spend up to 7% of federal aid on tribal projects. This would limit the department because they could spend more than that percentage currently, he said.

Mr. Hagener said it could be interpreted in this manner.

SEN. SPRAGUE asked **Mary Vandebosch, legislative staffer**, what the committee could do to set the MOU process.

Mary Vandebosch answered that the regional fish and wildlife services administrator would be involved in distributing this money to the tribe. Are you interested in changing this process, she asked.

SEN. SPRAGUE explained that other states have started the process without making it a law via a MOU.

Mr. Hagener responded that the department has one MOU currently in place. He said he was unsure if there could be a consensus among all tribes.

SEN. CRISMORE said he did not think anything had to be done in conjunction with the department as they would get together with the different tribes.

SEN. SPRAGUE said he would like to work out a way to empathize with the tribes and that the committee would offer support to both the tribes and the department.

Mr. Hagener said that **Bob Lane, Chief Legal Counsel, FWP**, recommended this could be accomplished by simply sending a letter to the department.

SEN. EKEGREN inquired whether the money being spent on the reservations could be deducted from the 7%.

Mr. Hagener said that he was assuming that, if the bill passed, it would require some continuation.

SEN. EKEGREN asked if reservations were asking for an additional 7%.

Mr. Hagener said the figure would not be an additional 7%.

Motion: **SEN. BISHOP MADE A SUBSTITUTE MOTION TO TABLE HB 107.**

VOTE: **MOTION TO TABLE HB 107 CARRIED, 8-3 WITH SENATORS FRANKLIN AND ELLINGSON OPPOSING. SENATOR SHEA WAS ABSENT.**

Discussion:

SEN. SPRAGUE asked the committee if they were in agreement with sending a letter of support to the tribes. The committee supported sending a letter to be written by **Mr. Hagener**.

SEN. WELLS wondered if it would be appropriate in the letter of support to make recommendations to show that the Senate Fish and Game Committee recognizes some of the features of HB 107.

EXHIBIT (fis59a10)

Mr. Hagener said that concept would offer better direction.

SEN. BUTCHER said he wondered if a wildlife biologist from the department could be designated.

Mr. Hagener said a biologist could be requested from within the department.

SEN. SPRAGUE asked for a show of support from the committee regarding the letter to be drafted about HB 107.

SEN. WELLS offered to assist the department with the language within the letter.

SEN. SPRAGUE said it would be agreeable that **SEN. WELLS** assist in the drafting of the letter.

ADJOURNMENT

Adjournment: 6:00 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis59aad)